

REMARKS

There are at least three bases that establish the patentability of the claimed invention. While it is respectfully submitted that a *prima facie* rejection is not made out, even if one were made out, the following remarks would rebut any purported *prima facie* rejection.

Kahn explicitly teaches away for two reasons. Firstly, as already conceded by the Examiner, he fails to teach transferring data at a predetermined time from two or more Websites in a single connection session.

The attempt to rely on Ohashi to overcome this deficiency is unavailing. Ohashi does not face the same problem that the Applicant or Kahn would face. Namely, in the case of a printer printing a document, all of the pages from the document are always available. Thus, there is no need to delay in order to accumulate the information you want to transfer. The entire document with its multiple pages is simply transferred.

In contrast, in connection with aggregating information Web pages, there is a different situation where the data may become available at different times. The Examiner apparently concedes that Kahn does not accumulate the Web pages, he simply presents them as they develop.

Thus, Kahn teaches away because he does not transfer multiple Web pages at a predetermined time in a single connection session. Ohashi does not remedy the situation because he is not faced with the same context.

There is an additional deficiency in Kahn as well. Kahn does not aggregate the Web pages in a client. Instead, he explicitly aggregates them in a network server. The difference between aggregating on the client associated with the wireless device versus the server is explained in the present application at page 11, lines 11-24. Some of those advantages include reducing the wireless unit owner's Internet connection time charges as information is aggregated and distributed to his or her system, providing opportunities for customizing aggregated data based on the wireless unit owner's preferences and providing a default view of the aggregated data to the unit owner if required.

The third reason for patentability is that there is no rationale to modify the references. No rationale has ever been pointed to to date. It seems that the assertion from the case law is that the case law permits the establishment of a *prima facie* case in the abstract. To the contrary, the Manual of Patent Examining Procedures is explicit that the rationale must be based on the prior art and pointed to in the office action in order to make out a *prima facie* case. While it is true that the

rationale to combine can come from multiple prior art sources, the particular source relied upon and the rationale must itself be pointed out in the rejection. *Prima facie* obviousness may be established when the teachings of the prior art appear to suggest the claimed subject matter, as argued by the Examiner, but the rationale to establish the suggestion must be specifically pointed to and identified within the prior art. Since that has not been done here, a *prima facie* rejection is not made out.

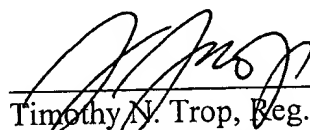
In the event that the Examiner were correct that a *prima facie* rejection is made out, that rejection is rebutted because of the advantages of aggregating in the client, as opposed to the server, and because of the advantages in this context of accumulating information that is not available at the same time, unlike the printer prior art, and transferring it at a predetermined time in one connection session.

Therefore, reconsideration is respectfully requested.

Respectfully submitted,

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